



# OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General  
One Ashburton Place  
Boston, MA 02108

Please note that all fields are required unless otherwise noted.

## Your Contact Information:

First Name: Beth Last Name: David

Address: 166 Dogwood Street

City: Fairhaven State: MA Zip Code: 02719

Phone Number: 508-979-5593 Ext. \_\_\_\_\_

Email: neighbnews@comcast.net

Organization or Media Affiliation (if any): Fairhaven Neighborhood News

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?

(For statistical purposes only)

Individual  Organization  Media

## Public Body that is the subject of this complaint:

City/Town  County  Regional/District  State

Name of Public Body (including city/town, county or region, if applicable): Fairhaven Board of Public Works

Specific person(s), if any, you allege committed the violation: \_\_\_\_\_

Date of alleged violation: 3/13/23



## Description of alleged violation:

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

Note: This text field has a maximum of 3000 characters.

The board purposely did not list on its agenda, nor discuss in open session, the result of a report by a paid consultant on the proposed replacement of the Goulart Memorial Drive bridge at its 3/13/23 meeting. The presentation by Tighe & Bond should have been given in open session for the public to review. There was no negotiation, nor is there any litigation that the public is aware of (or that was noted) that would necessitate keeping a publicly funded report secret. Protected sources say the stated purpose of meeting in executive session was because the board simply did not want the public to know about it.

Two executive sessions listed for the 3/13/23 meeting cite interviewing applicants and collective bargaining or litigation. Any of those would be an improper purpose for reviewing a publicly funded report. Both of those executive session items list only generic language from the statute and do not list the specific reason(s) for the executive session, e.g., naming the position for which people are being interviewed (executive session A); or the specific union(s) in question, or the case being litigated (executive session B). This is also a violation of the OML.

What action do you want the public body to take in response to your complaint?

Note: This text field has a maximum of 500 characters.

The BPW should immediately place the presentation by the consultant on an agenda to be discussed in open session. The report, in hard copy and in digital form, should be made available to the public immediately. A detailed account/minutes of what was discussed in the illegal executive session should be prepared and immediately released to the public. BPW members should be released from all restrictions on disclosing any discussions during the illegal executive session. BPW members need to be informed of their rights as individual members to dispute questionable executive sessions and to alert the public and the press when those sessions are proposed or held.

## Review, sign, and submit your complaint

### I. Disclosure of Your Complaint.

**Public Record.** Under most circumstances, your complaint, and any documents submitted with your complaint, is considered a public record and will be available to any member of the public upon request.

**Publication to Website.** As part of the Open Data Initiative, the AGO will publish to its website certain information regarding your complaint, including your name and the name of the public body. The AGO will not publish your contact information.

### II. Consulting With a Private Attorney.

The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

### III. Submit Your Complaint to the Public Body.

The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-2540 or by email to [openmeeting@state.ma.us](mailto:openmeeting@state.ma.us).

By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed: Bonnie

Date: 3/31/23

# Town of Fairhaven



FAIRHAVEN TOWN CLERK  
RCUD 2023 MAR 9 PM 2:24

## MEETING NOTICE

### Board of Public Works

Board or Committee

PLACE OF MEETING 5 Arsene Street

DATE AND TIME March 13, 2023 - 5:15 p.m.

MEETING POSTPONED TO

Rebecca L. Vento

Signature Office Manager

Due to the recent changes by Governor Baker to the Open Meeting Law, G.L. c. 30A, § 20, we are providing public access via the phone number and meeting ID below:

To Access Meeting Remotely Log onto: <https://zoom.us/j/86024441449>

or

Call: 1 929 205 6099

Meeting ID: 860 2444 1449

Passcode: 216829

- I. Call to Order
- II. Routine Matters
  - A. Signing of Departmental Bills
- III. Approval of Minutes
  - A. February 13, 2023
  - B. February 27, 2023
- IV. Appointments
  - 5:15 Steve Xavier, 64 Boston Hill Road -- Driveway Waiver 22' Opening
  - 5:20 Executive Sesssion A
  - 5:30 Executive Session B
- V. Items for Action
  - A. Tighe & Bond, Amendment # 1 Goulart Memorial Bridge Assessment & Repair \$ 19,500.00
  - B. Tighe & Bond, Amendment #1 Design Phase Subsurface Investigations \$ 43,500.00
  - C. Tighe & Bond, Wastewater Treatment Facility Improvements, Construction Phase Services \$ 5,478,362.00
  - D. Kyle Winderlick, Highway Department Vacation Carryover (3 days)
  - E. Southcoast Health, Nicole Podkowa Annual 5K, October 1, 2023
  - F. Award Bid for Millicent Library Sideway Improvement Project
  - G. Tighe & Bond, Waste Water Treatment Facility Upgrade, Payment #9 \$505,000.00
- VI. Tabled Matters
  - A. n/a
- VII. Public Comments / Open Forum
- VIII. Old Business / New Business
  - A. Superintendent
  - B. Board Members
  - C. Marine Resources Committee – BPW Related Matters
- IX. Set Date for the Next Meeting
- X. Adjourn
- XI. Executive Session
  - A. To consider or interview applicants for employment or appointment by a preliminary screening committee if the chair declares that an open meeting will have a detrimental effect in obtaining qualified applicants; provided, however, that this clause shall not apply to any meeting, including meetings of a preliminary screening committee, to consider and interview applicants who have passed a prior preliminary screening
  - B. To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares.

*Subject matter listed in the agenda consists of those items that are reasonable anticipated (by the Chair) to be discussed. Not all items listed may be discussed and other items not listed (such as urgent business not available at the time of posting) may also be brought up for discussion in accordance with applicable law. M.G.L., Ch. 30A, §20(f) requires anyone that intends to record any portions of a public meeting, either by audio or video, or both, to notify the Chair at the beginning of the meeting.*